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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY 10 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of **RECEIVED**
ERIC R. HILDING **MAY 10 1993**
JUDY YEP HUGHES **FCC-ROOM**
For Construction Permit for a
New FM Station on Channel 281A
in Windsor, California

MM DOCKET NO. 93-95
File No. BPH-911115MR
File No. BPH-911115MT

To: Honorable Richard L. Sippel
Administrative Law Judge

MOTION TO ENLARGE ISSUES

Eric R. Hilding submits his Motion To Enlarge Issues in the above-captioned matter. In addition to all accommodation and/or accommodation preferences claimed and sought pursuant to Mr. Hilding's Standardized Integration Statement to be incorporated herein, it is further requested that the existing issue(s) be added to, and/or expanded to include, but in no way be limited to, each of the following.

1. To determine if applicant Eric R. Hilding has been unfairly prejudiced in this proceeding as a result of the Commission's failure to take responsible and timely action upon his May, 1985, *Petition For Rule Making to Amend 1965 Policy On Comparative Broadcast Hearings*. Further, whether or not the Commission has been arbitrary and capricious in its inaction, and if Hilding has been the victim of severe, unjust and unnecessary administrative injury resulting from any abuse of agency discretion on the part of the Commission.

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2. To determine if applicant Eric R. Hilding has been unfairly prejudiced in this proceeding as a result of the Commission's failure to take responsible and timely action from its *Notice Of Proposed Rulemaking* in GC Docket No. 92-52. Further, whether or not the Commission has been arbitrary and capricious in its inaction, and if Hilding has been the victim of severe, unjust and unnecessary administrative injury resulting from any abuse of agency discretion on the part of the Commission.

3. To determine if applicant Eric R. Hilding has been unfairly prejudiced in this proceeding as a result of the Commission's failure to responsibly use its agency discretion by not disclosing material facts of knowledge as to the eighty percent (80%) defective nature of its applications processing procedures to the Court(s) in Metro Broadcasting, Inc. v. FCC and Jerome Thomas Lamprecht v. FCC. Further, whether or not the Commission was been arbitrary and capricious in its inaction and failure(s) to disclose, and if Hilding has been the victim of severe, unjust and unnecessary administrative injury resulting from any abuse of agency discretion on the part of the Federal Communications Commission. 1/

1/ Hilding believes that the violation of his civil rights to equal opportunity and due process in this proceeding are a direct result of the FCC's failure to disclose material facts as to the defectiveness of the Commission's processing system and resultant additional contribution to the National debt.

4. To determine if applicant Eric R. Hilding has been unfairly prejudiced in this proceeding as a result of the unlawful appropriations riders initiated by Senator Hollings which have unjustly contributed to perpetuation of "minority" (and/or "female") preferences given by the FCC to include this proceeding and any violation of Hilding's civil rights and equal opportunity to due process. Further, whether or not the Commission has been arbitrary and capricious in its inaction, and/or lacking in backbone. 2/

5. To determine if applicant Eric R. Hilding should be granted a "Pioneer (or) Channel Petitioner Preference" credit enhancement for his efforts, time and expense which resulted in the allotment and public benefit of Channel 281(A) in the

6. To determine if applicant Eric R. Hilding should be granted a "Technical Merit" enhancement credit preference for his proposal(s) to:

a. Utilize a single-bay FM antenna in order to reduce multi-path interference and better serve the public interest.

b. Utilize compact disc quality music service, as well as any Satellite and/or digital audio delivery vehicles for maximum quality to better serve the public interest.

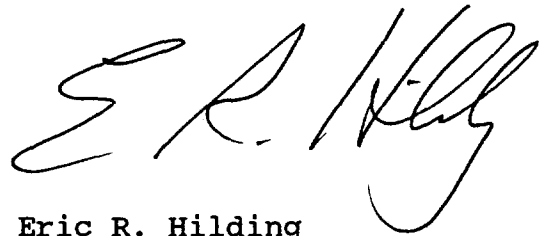
7. To determine if applicant Eric R. Hilding has been unfairly prejudiced in this proceeding as a result of the Commission's failure to fulfill its "hard look" processing standards commitment by allowing applicant BPH-911115MT to amend its application after the allowable Amendment as of Right period in spite of severe technical defects therein. Further, whether the Commission has been arbitrary and capricious in its discrimination against Hilding by allowing similar tardy amendments in other proceedings by minority and/or female applicants, while rejecting timely filed documents by Hilding and refusal of the Commission to acknowledge its administrative errors and correct same. Also, if Hilding has been the victim of severe, unjust and unnecessary administrative injury resulting from any abuse of agency discretion on the part of the Commission. 4/

4/ The technical flaw in applicant BPH-911115MT was not corrected by expiration of the Amendment as of Right period and should have been cause for return of the entire application.

DECLARATION UNDER PENALTY OF PERJURY

Eric R. Hilding declares under penalty of perjury that the foregoing is true and correct to the best of both his knowledge and understanding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric R. Hilding", written in a cursive style.

Eric R. Hilding

w/Certificate of Service

Eric R. Hilding
P.O. Box 1700
Morgan Hill, CA 95038-1700
Tel: (408)778-0900

Date: May 8, 1993

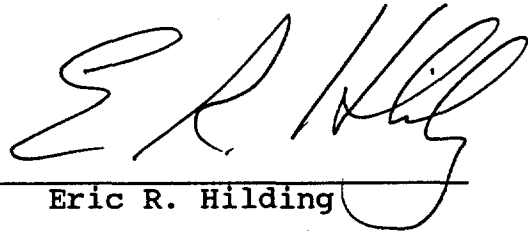
CERTIFICATE OF SERVICE

I, Eric R. Hilding, under penalty of perjury, hereby declare that a copy of this "MOTION TO ENLARGE ISSUES" has been sent via First Class Mail, U.S. postage prepaid, today, May 8, 1993, to the following: (*)

Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
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Eric R. Hilding

(*) Original filing via Federal Express